

David Karl Gross, ABA #9611065
Birch Horton Bittner & Cherot
510 L Street, Suite 700
Anchorage, AK 99501
dgross@bhb.com

Edward E. McNally, ABA #9203003
Marc E. Kasowitz (*Pro Hac Vice*)
Hector Torres (*Pro Hac Vice*)
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019
emcnally@kasowitz.com
mkasowitz@kasowitz.com
htorres@kasowitz.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KLOOSTERBOER INTERNATIONAL
FORWARDING LLC and ALASKA
REEFER MANAGEMENT LLC,

Plaintiffs,

vs.

U.S.A., U.S. DEPT. OF HOMELAND
SECURITY, U.S. CUSTOMS AND
BORDER PROTECTION, and TROY A.
MILLER, et al.,

Defendants.

Case No.: 3:21-cv-00198 (SLG)

**PLAINTIFFS' NOTICE OF SERVICE OF DECLARATION AND PROPOSED
ORDER**

COME NOW Plaintiffs, Kloosterboer International Forwarding LLC and Alaska
Reefer Management LLC, by and through undersigned counsel, and hereby give notice
of the service of the attached declaration of M. Christy McManus, dated September 17,

2021 (the “McManus Declaration”), a revised Proposed Order Granting Plaintiffs’ Motion for Preliminary Injunction (the “Proposed Order”), and a redline showing the changes against the version previously filed with the Court (ECF No. 4-2). The McManus Declaration is attached hereto as Exhibit A, the Proposed Order is attached hereto as Exhibit B, and the redline is attached hereto as Exhibit C.

Plaintiffs offer the McManus Declaration in further support of their motion for a Temporary Restraining Order and Preliminary Injunction. The McManus Declaration sets forth Ms. McManus’ personal knowledge as to U.S. Customs and Border Protection officers being on site before, during, and after construction of the Bayside Canadian Railway, which was also reported in the Declaration of Darrell B. Weare (ECF No. 52).

Plaintiffs submit the Proposed Order for the Court’s consideration, which has been revised for purposes of clarity in scope.

DATED this 20th day of September, 2021.

BIRCH HORTON BITTNER & CHEROT
Attorneys for Plaintiffs

By: /s/ David Karl Gross
David Karl Gross, ABA #9611065

KASOWITZ BENSON TORRES LLP
Edward E. McNally, ABA #9203003
Marc E. Kasowitz (*Pro Hac Vice*)
Hector Torres (*Pro Hac Vice*)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of September, 2021 a true and correct copy of the foregoing was served via the Court's CM/ECF electronic filing system, on the following:

Seth M. Beausang, Asst. U.S. Attorney
Christine Dollerhide, Asst. U.S. Attorney
U.S. Attorney's Office
seth.beausang@usdoj.gov
christine.dollerhide@usdoj.gov

BIRCH HORTON BITTNER & CHEROT

By: /s/ David Karl Gross